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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,200	08/06/2001	John E. McCall	00163.1560US01	8891

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,200

Applicant(s)

MCCALL, JOHN E.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 1/2, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The IDSs submitted on 3/21/2003 and 6/30/2003 have been considered.
2. The new title is acceptable.
3. Applicant's arguments filed 6/30/2003 have been fully considered but they are not persuasive.

4. As per Wakefield II. Applicant's arguments regarding claims 1, 16, 23 and 28 argue that Wakefield II does not disclose the analyzing collected data to generate a data conclusion, the "data conclusion being based on the data type of the collected data", examiner disagrees, column 6, lines 29-39 discloses an artificial intelligence system (rules) that analyzes and responds to the error code field (data type) and therefore meets the language of the claims.

Further Wakefield II discloses communication with a host system and providing an advisory based on the data received, see column 5, lines 1-34 and column 6, lines 4-39.

Applicant's arguments regarding claim 16 argue non-claimed subject matter, there is no management system computer in the claim.

Applicant's arguments regarding claim 23 argue that Wakefield II does not disclose a destination facility, in the case of Wakefield's wheelchair the destination facility is the location of the wheelchair, the destination facility in this case is the wheelchair owner's home.

Applicant's arguments regarding the features of claims 4, 21 and 31 to the storage of advisory information to a specific account record, examiner disagrees, see figures 3, 4 and column 5, line 11 – column 6, line 39.

Applicant's arguments regarding the features of claims 5, 22 and 32 to the retrieval of advisory information from customer account records, examiner disagrees, see column 5, line 58 – column 6, line 39.

5. As per Moore. Applicant's arguments regarding claims 1, 16, 23 and 28 argue that Moore does not disclose analyzing collected data to generate a data conclusion based specifically on the data type of the collected data and

determining whether the collected data is associated with a time-critical situation at the destination facility. Examiner disagrees, see column 7, lines 27–67 that discloses analyzing the data from sensors and determining whether the collected data is associated with a time-critical situation, the heuristic of Moore is seen to be the analysis and the display of warning messages if diagnostic parameters are exceeded is seen to be the determining of time-criticality. The suggested action is seen to be a mapping to the critical advisory information.

Applicant's arguments regarding claim 16 argue non-claimed subject matter, there is no management system computer in the claim.

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Applicant's arguments regarding claim 23 argue that Moore does not disclose a identifying a time critical information and mapping it to advisory information, Examiner disagrees, see column 7, lines 27-67 that discloses analyzing the data from sensors and determining whether the collected data is associated with a time-critical situation, the heuristic of Moore is seen to be the analysis and the display of warning messages if diagnostic parameters are exceeded is seen to be the determining of time-criticality. The suggested action is seen to be a mapping to the critical advisory information.

Applicant's arguments regarding the features of claims 4, 21 and 31 to the storage of advisory information to a specific account record, examiner disagrees, see column 8, line 21 – column 9, line 41, that teaches storage, upload and download utilizing a PDA or similar device, a dataport in a garage or driver's dwelling, and a original equipment manufacture's (OEM) server.

Applicant's arguments regarding the features of claims 5, 22 and 32 to the retrieval of advisory information from customer account records, examiner disagrees, see column 9, lines 16-52.

6. As per Moore et al. Applicant's arguments regarding claims 1, 16, 23 and 28 argue that Moore et al does not disclose establishing a communication with the management system, examiner disagrees, see figure 1, (23) central computer, and (24) hand held device and (60) user display communicating to the elevator control system and column 2, lines 1-67.

Applicant's arguments regarding claim 16 argue non-claimed subject matter, there is no management system computer in the claim.

Applicant's arguments regarding claim 23 argue that Moore does not disclose a identifying a time critical information and mapping it to advisory information, Examiner disagrees, see figure 8A.

Applicant's arguments regarding the features of claims 4, 21 and 31 to the storage of advisory information to a specific account record, examiner disagrees, see figure 10 readings from memory.

Applicant's arguments regarding the features of claims 5, 22 and 32 to the retrieval of advisory information from customer account records, examiner disagrees, see column 7, line 41 – column 8, line 22.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakefield, II (5,961,561), Moore (6,370,561) or Moore et al (4,697,243).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Thomas A. Dixon', with a stylized flourish at the end.

Thomas A. Dixon
Examiner
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August 22, 2003